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REFERENDUM BALLOT PROPOSITION

AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Fred R Hunsaker

Senate Sponsor: Peter C. Knudson

LONG TITLE

Committee Note:

The Government Operations and Political Subdivisions Interim Committee recommended this bill.

General Description:

This bill modifies the Election Code to amend the manner in which a ballot proposition is worded for a statewide or local referendum.

Highlighted Provisions:

This bill:

- ▶ clarifies that the definition of "referendum" is a process to submit or refer a certain law to voters for their final approval or rejection;
- ▶ provides that a vote "for" on a referendum question means the voter is in favor of the law taking effect;
- ▶ provides that a vote "against" on a referendum question means the voter is against the law taking effect; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-7-101**, as last amended by Laws of Utah 2009, Chapter 202

31 **20A-7-309**, as last amended by Laws of Utah 2009, Chapter 202

32 **20A-7-609**, as last amended by Laws of Utah 2009, Chapter 202



34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **20A-7-101** is amended to read:

36 **20A-7-101. Definitions.**

37 As used in this chapter:

38 (1) "Budget officer" means:

39 (a) for [counties] a county, the person designated as budget officer in Section 17-19-19;

40 (b) for [cities] a city, the person designated as budget officer in Subsection

41 10-6-106(5); or

42 (c) for [towns] a town, the town council.

43 (2) "Certified" means that the county clerk has acknowledged a signature as being the
44 signature of a registered voter.

45 (3) "Circulation" means the process of submitting an initiative or referendum petition
46 to legal voters for their signature.

47 (4) "Final fiscal impact statement" means a financial statement prepared after voters
48 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
49 20A-7-502.5(2).

50 (5) "Initial fiscal impact estimate" means a financial statement prepared according to
51 the terms of Section 20A-7-202.5 or 20A-7-502.5 after the filing of an application for an
52 initiative petition.

53 (6) "Initiative" means a new law proposed for adoption by the public as provided in
54 this chapter.

55 (7) "Initiative packet" means a copy of the initiative petition, a copy of the proposed
56 law, and the signature sheets, all of which have been bound together as a unit.

57 (8) "Legal signatures" means the number of signatures of legal voters that:

58 (a) meet the numerical requirements of this chapter; and

59 (b) have been certified and verified as provided in this chapter.

60 (9) "Legal voter" means a person who:

61 (a) is registered to vote; or

62 (b) becomes registered to vote before the county clerk certifies the signatures on an
63 initiative or referendum petition.

64 ~~[(11)]~~ (10) "Local attorney" means the county attorney, city attorney, or town attorney
65 in whose jurisdiction a local initiative or referendum petition is circulated.

66 ~~[(12)]~~ (11) "Local clerk" means the county clerk, city recorder, or town clerk in whose
67 jurisdiction a local initiative or referendum petition is circulated.

68 ~~[(10)]~~ (12) (a) "Local law" includes an ordinance, resolution, master plan, and any
69 comprehensive zoning ~~[regulations]~~ regulation adopted by ordinance or resolution.

70 (b) "Local law" does not include an individual property zoning ~~[decisions]~~ decision.

71 (13) "Local legislative body" means the legislative body of a county, city, or town.

72 (14) "Measure" means a proposed constitutional amendment, an initiative, or
73 referendum.

74 (15) "Referendum" means a process by which a law passed by the Legislature or by a
75 local legislative body ~~[that is being submitted]~~ is submitted or referred to the voters for their
76 approval or rejection.

77 (16) "Referendum packet" means a copy of the referendum petition, a copy of the law
78 being submitted or referred to the voters for their approval or rejection, and the signature
79 sheets, all of which have been bound together as a unit.

80 (17) "Signature sheets" means sheets in the form required by this chapter that are used
81 to collect signatures in support of an initiative or referendum.

82 (18) "Sponsors" means the legal voters who support the initiative or referendum and
83 who sign the application for petition copies.

84 (19) "Sufficient" means that the signatures submitted in support of an initiative or
85 referendum petition have been certified and verified as required by this chapter.

86 (20) "Verified" means acknowledged by the person circulating the petition as required
87 in Sections 20A-7-205 and 20A-7-305.

88 Section 2. Section **20A-7-309** is amended to read:

89 **20A-7-309. Form of ballot -- Manner of voting.**

90 (1) The county clerks shall ensure that the number and ballot title verified to them by
91 the lieutenant governor are presented upon the official ballot with, immediately adjacent to
92 them, the words "For" and "Against," each word presented with an adjacent square in which the
93 elector may indicate ~~[his]~~ the elector's vote.

94 (2) ~~[Voters]~~ (a) (i) A voter desiring to vote in favor of ~~[preventing]~~ the law that is the
95 subject of the referendum ~~[from taking effect]~~ shall mark the square adjacent to the word
96 "For~~[" and those]."~~

97 (ii) The law that is the subject of the referendum takes effect if a majority of voters
98 mark "For."

99 (b) (i) A voter desiring to vote against ~~[preventing]~~ the law that is the subject of the
100 referendum petition ~~[from taking effect]~~ shall mark the square adjacent to the word "Against."

101 (ii) The law that is the subject of the referendum does not take effect if a majority of
102 voters mark "Against."

103 Section 3. Section **20A-7-609** is amended to read:

104 **20A-7-609. Form of ballot -- Manner of voting.**

105 (1) The local clerk shall ensure that the number and ballot title are presented upon the
106 official ballot with, immediately adjacent to them, the words "For" and "Against," each word
107 presented with an adjacent square in which the elector may indicate ~~[his]~~ the elector's vote.

108 (2) (a) Except as provided in Subsection (2)(c), and unless the county legislative body
109 calls a special election, the county clerk shall ensure that county referenda that have qualified
110 for the ballot appear on the next regular general election ballot.

111 (b) Unless the municipal legislative body calls a special election, the municipal
112 recorder or clerk shall ensure that municipal referenda that have qualified for the ballot appear
113 on the next regular municipal election ballot.

114 (c) For referenda held in relation to the adoption of an ordinance imposing a county
115 option sales and use tax under Section 59-12-1102, the county clerk shall ensure that referenda
116 that have qualified for the ballot appear on the ballot at the earlier of:

117 (i) the next regular general election that is more than 155 days after the date of the
118 adoption of the ordinance; or

119 (ii) the next municipal general election that is more than 155 days after the date of the
120 adoption of the ordinance.

121 (3) ~~[Voters]~~ (a) (i) A voter desiring to vote in favor of ~~[repealing the law proposed by~~
122 ~~the referendum petition]~~ the law that is the subject of the referendum shall mark the square
123 adjacent to the word "For~~," and those]."~~

124 (ii) The law that is the subject of the referendum is effective if a majority of voters
125 mark "For."

126 (b) (i) A voter desiring to vote against ~~[repealing the law proposed by]~~ the law that is
127 the subject of the referendum petition shall mark the square following the word "Against."

128 (ii) The law that is the subject of the referendum is not effective if a majority of voters
129 mark "Against."

Legislative Review Note
as of 11-18-09 12:06 PM

Office of Legislative Research and General Counsel

H.B. 44 - Referendum Ballot Proposition Amendments

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
